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**BRYAN CAVE LLP**

700 THIRTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005-3960  
(202) 508-6000  
FACSIMILE: (202) 508-6200

RIYADH, SAUDI ARABIA  
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IN ASSOCIATION WITH BRYAN CAVE,  
A MULTINATIONAL PARTNERSHIP,  
LONDON, ENGLAND

JOHN R. WILNER  
DIRECT DIAL NUMBER  
(202) 508-6041

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August 21, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, DC 20024

Re: MM Docket No. 00-118  
RM-9757

Dear Ms. Salas:

We are transmitting herewith on behalf of Gateway Communications, Inc., the original and four (4) copies of its Comments in the above-referenced rule making proceeding.

Should there be any questions concerning the Comments, please communicate with the undersigned.

Very truly yours,



John R. Wilner

JRW/vih

Enclosures

jrw/049858/196041v1

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AUG 21 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE  
Federal Communications Commission

WASHINGTON, D.C. 20024

In the Matter of )  
 )  
Amendment of Section 73.622(b), ) MM Docket No. 00-118  
Table of Allotments, ) RM-9757  
Digital Television Broadcast Stations )  
(Lexington, Kentucky) )

To: Chief, Video Services Division  
Mass Media Bureau

**COMMENTS OF GATEWAY COMMUNICATIONS, INC.**

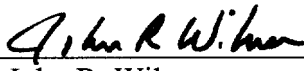
Gateway Communications, Inc. (herein "Gateway"), licensee of Station WOWK-TV, NTSC Channel 13, Huntington, West Virginia, by its attorneys and pursuant to Section 1.145 of the Commission's Rules, submits these comments in response to the Notice of Proposed Rule Making (herein "NPRM") in the above-captioned proceeding, released June 29, 2000.

The NPRM requests comments from interested parties on the proposal of WKYT Licensee Corporation (herein "Petitioner"), licensee of Station WKYT-TV, NTSC Channel 27, Lexington, Kentucky, to substitute DTV Channel 13 for the currently assigned DTV Channel 59 at Lexington. Attached hereto and made a part of these Comments is the Engineering Statement of Cohen, Dippell and Everist, P.C., Gateway's engineering consultant firm. For the reason set forth in the Statement, Gateway requests the Commission to defer action in this proceeding pending adoption of its decision in MM Docket No. 00-39. In the event the Commission elects

not to defer action herein, Gateway submits that the power authorized to WKTY-TV on Channel 13 be limited to 1 kW.

Respectfully submitted,

GATEWAY COMMUNICATIONS, INC.

By:   
John R. Wilner  
Bryan Cave LLP  
700 Thirteenth Street, N.W.  
Washington, DC 20005  
(202) 508-6041

Its Attorney

Date: August 21, 2000

ENGINEERING STATEMENT  
ON BEHALF OF  
GATEWAY COMMUNICATIONS, INC.  
LICENSE OF TELEVISION STATION  
WOWK-TV, HUNTINGTON, WEST VIRGINIA  
COMMENTS NOTICE OF PROPOSED RULE MAKING  
MM DOCKET NO. 00-118

AUGUST 2000

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington            )  
  ) ss  
District of Columbia         )

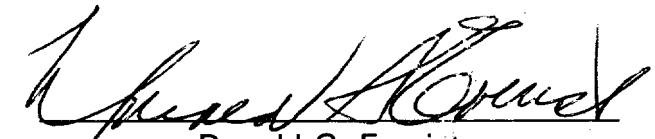
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

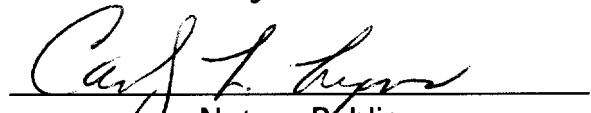
That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 18<sup>th</sup> day of August, 2000.

  
Notary Public

My Commission Expires: 2/28/2003

This engineering statement has been prepared on behalf of Gateway Communications, Inc. ("Gateway"), licensee of broadcast station WOWK-TV, Huntington, West Virginia, and accompanies the Gateway comments in the Notice of Proposed Rule Making, MM Docket No. 00-118. MM Docket No. 00-118 is in response to a petition request by WKYT Licensee Corporation ("WKYT-TV"), licensee of television station WKYT-TV NTSC, Channel 27, Lexington, Kentucky. WKYT-TV was assigned DTV Channel 59 in Appendix B of MM Docket No. 87-268 with 72.3 kW at a height above average terrain of 300 meters. WKYT-TV requests substitution of DTV Channel 13 with an effective radiated power of 5 kW at a height above average terrain of 300 meters.

The petitioner asserts that this will permit it to build only one set of DTV facilities, and thereby reduce construction and operating costs.

Gateway submits the following information for consideration. WKYT-TV, unlike some other TV stations which operate or have been assigned both their NTSC and DTV channel out of the core, can elect to operate its assigned DTV Channel 59 facility once the post-transition occurs on its currently assigned Channel 27. Therefore, it will not necessarily bear expense as it will permit a transition to its currently widely advertised NTSC Channel 27 from the Appendix B allotment Channel 59. In the Notice of Proposed Rule Making in the matter of "Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television", MM Docket No. 00-39 (adopted March 6, 2000), the Commission requested comments on certain issues including whether to adopt a requirement that DTV stations elect their post-transition DTV channel by a certain date. Lexington, Kentucky, is in an area of spectrum congestion and Gateway respectfully requests that the WKYT-TV request be deferred until the Commission resolves the important issue of post-transition

DTV channel. It is anticipated that due to the importance of MM Docket No. 00-39 that a decision in this Docket by the Commission will be forthcoming this year. Therefore, any delay on WKYT-TV's proposal will not unduly affect WKYT-TV since it is not a station with both its NTSC and DTV channel allotment outside the core.

If the Commission elects not to defer action on this rule making pending the outcome of MM Docket 00-39, it is requested that WKYT-TV power on Channel 13 be restricted to a power that would replicate its current NTSC service area; and therefore, reduce the potential impact to post-transition facilities. Based upon a study shown in Table I and Figure I that DTV replication power would be less than 1 kW.

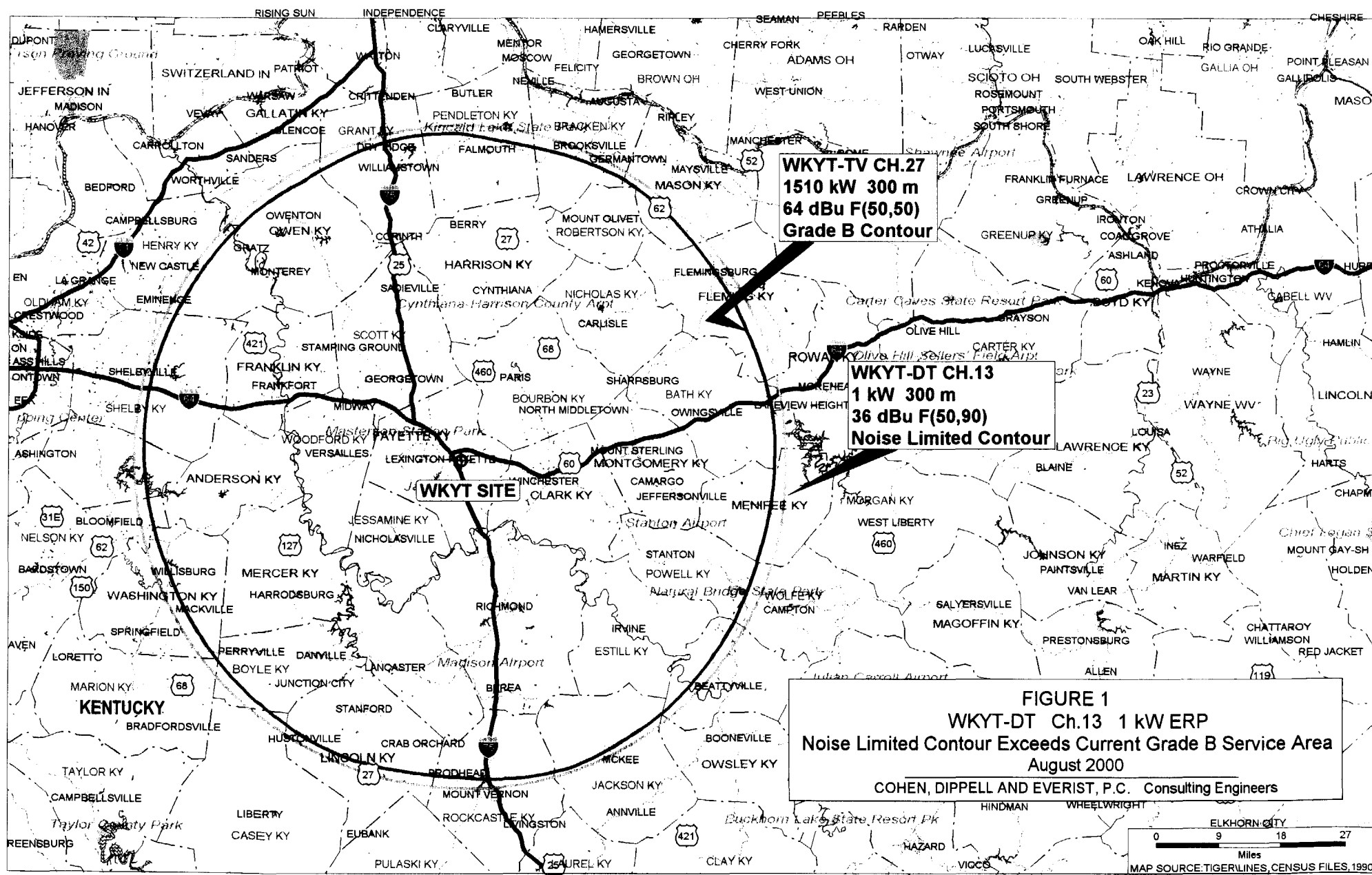
COHEN, DIPPELL AND EVERIST, P. C.

TABLE I  
WKYT-TV SERVICE AREA COMPARISON  
AUGUST 2000

<u>Facility</u>	<u>Service Area*</u>	
	<u>Area</u> sq.km	<u>Population</u>
WKYT-TV, CH.27 1510 kW--300 M Lic.	16,550	674,400
WKYT-DT, CH.13 1 kW--300 M	19,760	740,200
WKYT-DT, CH.13 5 kW--300 M App.	25,150	850,000

\*Service area calculated by FCC method (OET Bulletin 69) net of terrain losses and interference.

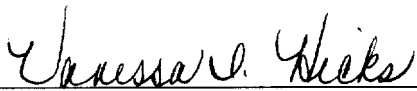




**CERTIFICATE OF SERVICE**

I, Vanessa I. Hicks, a secretary in the law firm of Bryan Cave LLP, do hereby certify that a copy of the foregoing "Comments of Gateway Communications, Inc." was mailed, postage prepaid, this 21<sup>st</sup> day of August 2000 to:

Robert A. Beizer, Secretary  
WKTY Licensee Corporation  
1201 New York Avenue, N.W.  
Suite 1000  
Washington, DC 20005-3917

  
\_\_\_\_\_  
Vanessa I. Hicks